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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,358	02/26/2004	Lewis C. Vollmar JR.	718076.1	2357
27128 7590 06/08/2007 BLACKWELL SANDERS PEPER MARTIN LLP 720 OLIVE STREET SUITE 2400 ST. LOUIS, MO 63101			EXAMINER LEUNG, JENNIFER	
			ART UNIT 3714	PAPER NUMBER
			MAIL DATE 06/08/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/708,358

Applicant(s)

VOLLMAR, LEWIS C.

Examiner

Jennifer Leung

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/26/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

1. Claims 8, 9, and 21 are objected to because of the following informalities:

Claims 8 and 9, line 2: "a" should be -- said --.

Claim 21, line 2: "selected" should be inserted before "from".

Claim 21, line 11: "and" should be inserted before "a time".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1-14 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRose (US 6,308,578) in view of Balzano (US 5,565,124).**

Re claims 1 and 22. DeRose discloses an apparatus and method to record hits to a contestant engaged in sparring with another contestant, said apparatus comprising: a first item of clothing having at least one first electrically conductive strip and at least one second electrically conductive strip, wherein at least one said first electrically conductive strip is adjacent to at least one said second electrically conductive strip (15, Fig. 6; col. 4, lines 11-15); a voltage receiving mechanism, having a first lead and a second lead,

wherein said first lead is electrically connected to said at least one first electrically conductive strip and said second lead is electrically connected to said at least one second electrically conductive strip (col 4, lines 15-20); a second item of clothing, having at least one electrically conductive portion, which can electrically connect at least one said first electrically conductive strip and at least one said second electrically conductive strip of said first item of clothing when said at least one electrically conductive portion of said second item of clothing is in contact with said first item of clothing (163, Fig. 6; col. 4, lines 25-30); and an indicating device that is electrically connected to said at least one first electrically conductive strip and said at least one second electrically conductive strip and provides an indication when said at least one electrically conductive portion of said second item of clothing electrically connects at least one said first electrically conductive strip and at least one said second electrically conductive strip of said first item of clothing, which occurs when said second item of clothing is in contact with said first item of clothing (24, Fig. 6; col. 4, lines 15-31).

However, DeRose fails to disclose a second conductive strip of the first item of clothing and a voltage receiving mechanism. Balzano teaches such (Figs. 10-11; col. 3, lines 20-25; col. 6, lines 20-30).

Therefore, in view of Balzano, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the aforementioned limitations in order to have a circuit that completes when the conductive portion of the second item of clothing strikes the first and second strips of the first item of clothing thereby indicating a hit.

Re claim 2. DeRose discloses wherein said first item of clothing is selected from the group consisting of a vest, a facemask and headgear (48, Fig. 6).

Re claim 3. DeRose discloses wherein said second item of clothing is selected from the group consisting of at least one boot and at least one glove (163, Fig. 6).

Re claim 4. DeRose discloses wherein said indicating device includes an audio alarm (col. 3, lines 18-26; col. lines 29-31).

Re claim 5. DeRose discloses wherein said audio alarm includes a buzzer (col. 3, lines 18-26; col. lines 29-31).

Re claim 6. DeRose, as modified by Balzano, teaches further including a D.C. battery, having a first terminal and a second terminal, wherein said first terminal is electrically connected to said first lead of said voltage receiving mechanism and said second terminal is electrically connected to said second lead of said voltage receiving mechanism (Fig. 10 of Balzano).

Re claim 7. DeRose, as modified by Balzano, teaches wherein said at least one first electrically conductive strip includes a plurality of first electrically conductive strips and said at least one second electrically conductive strip includes a plurality of second

electrically conductive strips, which are formed into at least one electrically independent target region (abstract; Figs. 2 and 10 of Balzano).

Re claim 8. DeRose discloses wherein said at least one electrically independent target region for a vest is selected from the group consisting of a torso, an abdomen, a groin, a right lateral trunk and a left lateral trunk (15, Fig. 6).

Re claim 9. DeRose discloses teaches wherein said at least one target region for a headgear is selected from the group consisting of a face, a back of a head, a right side of a head, a left side of a head and a top of a head (15, Fig. 6).

Re claim 10. DeRose, as modified by Balzano, teaches wherein said at least one electrically conductive portion for said at least one boot is selected from the group consisting of a top of an instep, a top of a posterior heel, a bottom of a ball of foot and a bottom of a plantar heel (Fig. 2 of Balzano).

Re claim 11. DeRose discloses wherein said at least one electrically conductive portion for said at least one glove is selected from the group consisting of a back of a fist, a front of a fist, a radial side of a hand and an ulnar side of a hand (10, Fig. 6).

Re claim 12. DeRose, as modified by Balzano, teaches at least one first electrically conductive strip includes a plurality of first conductive strips connected to the first lead

for the voltage receiving mechanism, having a first polarity, and the at least one second electrically conductive strip includes a plurality of second conductive strips connected to the second lead for the voltage receiving mechanism, having a second polarity, wherein at least one first conductive strip is transverse to another first conductive strip of the plurality of first conductive strips and electrically connected to each other and at least one second conductive strip of the plurality of second conductive strips is transverse to at least one first conductive strip of the plurality of first conductive strips and is electrically insulated therefrom (Figs. 10-11; col. 3, lines 20-25; col. 6, lines 20-30).

Re claims 13 and 24. DeRose, in combination with Balzano, discloses the above in claim 1 and further discloses a first transmitter that is electrically connected to at least one said first electrically conductive strip and at least one said second electrically conductive strip and transmits an indication when said electrically conductive portion of said second item of clothing electrically connects at least one said first electrically conductive strip and at least one said second electrically conductive strip of said first item of clothing, which occurs when said second item of clothing is in contact with said first item of clothing (24, Fig. 6; col. 4, lines 15-31 of DeRose).

Re claim 14. DeRose, as modified by Balzano, discloses further including a first receiver that receives said indication from said first transmitter that indicates when said electrically conductive portion of said second item of clothing electrically connects at least one said first electrically conductive strip and at least one said second electrically

Art Unit: 3714

conductive strip of said first item of clothing, which occurs when said second item of clothing is in contact with said first item of clothing (col. 3, lines 18-25; col. 4, lines 29-31).

Re claim 23. DeRose discloses wherein said first item of clothing is selected from the group consisting of a vest and a headgear (48, Fig. 6) and said second item of clothing is selected from the group consisting of at least one glove and at least one boot (163, Fig. 6).

4. Claims 15-21 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeRose/Balzano, and further in view of Aldridge (US 2002/0037759).

Re claims 15 and 25. DeRose/Balzano discloses the above except for wherein said first receiver is electrically connected to a second indicating device. Aldridge discloses such (Fig. 15; para. 0067).

Therefore, in view of Aldridge, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the aforementioned limitation in order to display each hit on a screen so that it is easier to determine if a hit has been made.

Re claims 16 and 26. DeRose/Balzano, as modified by Aldridge, teaches wherein said second indicating device includes a processor connected to said first receiver and at

Art Unit: 3714

least one input device that is capable of altering input from said first receiver and a first electronic display connected to said processor (paras. 0068-69 and 0071 of Aldridge).

Re claim 17. DeRose/Balzano, as modified by Aldridge, teaches wherein said first electronic display is selected from the group consisting of an incandescent light array display, a light emitting diode display, a cathode ray tube display, a liquid crystal diode display and a plasma tube display (Fig. 15; para. 0071 of Aldridge).

Re claims 18 and 27. DeRose/Balzano, as modified by Aldridge, teaches wherein said processor is connected to a second transmitter that sends a signal to a second receiver that is connected to a second electronic display (Fig. 12 of Aldridge).

Re claim 19. DeRose/Balzano, as modified by Aldridge, teaches wherein said second electronic display is selected from the group consisting of an incandescent light array display, a light emitting diode display, a cathode ray tube display, a liquid crystal diode display and a plasma tube display (103, Fig. 1 of Aldridge).

Re claim 20. DeRose/Balzano, as modified by Aldridge, teaches wherein said at least one input device is capable of providing functions selected from the group consisting of turning said processor on and off, awarding points, awarding partial points, correcting errors, paging through memory of said processor, resetting said processor, providing a

Art Unit: 3714

warning and stopping a timing sequence (Fig. 14c; paras. 0068-69 and 0071 of Aldridge).

Re claim 21. DeRose/Balzano, as modified by Aldridge, teaches wherein said first electronic display can display output selected from the group consisting of time remaining in a competition, a digital score for a first contestant, a weapon icon for said first contestant, an alphabetic representation for a weapon for said first contestant, a target icon for said first contestant, a time when said first contestant has been hit, a digital score for a second contestant, a weapon icon for said second contestant, an alphabetic representation for a weapon for said second contestant, a target icon for said second contestant, a time when a second contestant has been hit (Fig. 14b; Fig. 15 of Aldridge).

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reith discloses an electrical fencing scoring method and apparatus. Myus discloses a slotless electric track for vehicles. Cook discloses a method and apparatus for boxing. Lau discloses a scoring equipment for a sword contest sport. Kulesza discloses an electronic fencing game. Delcayre discloses an electronic equipment for radio control of fencing bouts.

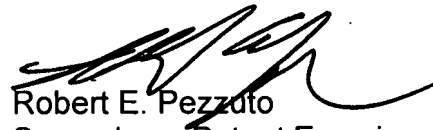
Art Unit: 3714

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer Leung whose telephone number is 571-270-1342. The examiner can normally be reached on Mon -Thur, every other Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jennifer Leung
June 5, 2007


Robert E. Pezzuto
Supervisory Patent Examiner
Art Unit 3714